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Reply to Office Action of July 14, 2005

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REMARKS/ARGUMENTS

Prior to the entry of this Amendment, claims 1-41 were pending in this application. Claims 1, 2, 4, 6-11, 13, 20, 21, 23, and 25-27 are amended herein. No claims have been added and claims 3, 5, 12, 14-19, 22, 24, and 28-41 have been canceled. Therefore, claims 1, 2, 4, 6-11, 13, 20, 21, 23, and 25-27 remain pending in this application. Applicant respectfully requests reconsideration of this application for at least the reasons presented below.

35 U.S.C. §103 Rejection, Patterson in view of Zubeldia et al.

The Office Action has rejected claims 1-6, 8, 9, 11-16, 19-25, 27-31, and 33-39 under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent Application Publication No. 2002/0053023 of Patterson et al., (hereinafter "Patterson") in view of U. S. Patent No. 6,044,462 of Zubeldia et al., (hereinafter "Zubeldia"). The Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims. Therefore, the Applicant requests reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, the Office Action must establish: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine their teachings; 2) a reasonable expectation of success of such a modification or combination; and 3) a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j).

As will be discussed in detail below, the references cited by the Office Action do not teach or suggest each claimed limitation. The Office Action does not provide evidence that the suggestion or motivation to modify or combine the references cited is explicit or implicit in the references cited. Further, the Office Action does not provide any evidence that knowledge of one skilled in the art would provide the suggestion or motivation to modify these references.

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Finally, the Office Action does not provide evidence of a reasonable expectation of success of such a modification or combination.

Patterson "provides a certificate validation mechanism for a network interface." (page 1, para. 14) Under Patterson, "the certificate validation mechanism maintains a certificate cache that records certificates on which verification of validity has been performed along with an associated indication of validity resulting from the validity verification." (page 1, para. 14) More specifically, Patterson discloses receiving an email message and extracting a certificate from the received message. (page 3, para. 55) The received certificate is compared to certificates stored in a user cache. (page 3, para. 56) If the certificate is stored in the user cache, "validity information stored in the certificate in the user cache is extracted and associated with the received message." Page 3-4, para 57) If the received certificate is not stored in the user cache, a message is sent to a public repository to verify the certificate. The results of this verification are stored in the user cache. (page 4, para. 58-59) To maintain reliability of the user cache, certificates are purged from the cache based on the time since the certificate was last verified.

However, Patterson does not teach or suggest determining whether to check a status for said certificate at a check time and in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time. Rather, Patterson teaches a single determination, whether the received certificate is already in the user cache. Furthermore, under Patterson, there is no determination of whether to check the status, every certificate is checked without exception.

Zubeldia is directed to "managing key revocation in a cryptographic environment." (Col. 1, lines 7-8) The cited portion of Zubeldia discusses certificates that "typically includes, among other items, the name of the certification authority, the name of the certificate holder, the expiration date of the certificate, the public key of the certificate holder, and the digital signature of the certification authority." (Col. 2, lines 11-19) Zubeldia goes on to describe using periodically published Certificate Revocation Lists (CRLs) to determine whether

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a certificate has been recently revoked. (Col. 2, line 66 - col. 4, line 18) Zubeldia then goes on to disclose a method in which "certificate validity status is stored and retained in a certificate status history database ('database') that allows for ease of certificate status retrieval" thereby eliminating the need to check CRLs. (Col. 4, line 66 - col. 5, line 9) In this method, the database can be queried by users to determine the validity of a particular certificate.. (Col. 7, line 54 - col. 8, line 58).

However, Zubeldia does not teach or suggest determining whether to check a status for said certificate at a check time and in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time. Rather, Zubeldia simply responds to user requests by returning validity information stored in the database.

Independent claims 1 and 20, upon which all other pending depend, both recite in part "determining whether to check a status for said certificate at a check time; and in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time." The combination of Patterson and Zubeldia is no more relevant to the pending claims as either reference taken alone since, neither reference, alone or in combination, teaches or suggests, determining whether to check a status for said certificate at a check time and in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time. Rather Patterson teaches a single determination, whether the received certificate is already in the user cache, while Zubeldia simply responds to user requests by returning validity information stored in the database. For at least these reasons, the rejection should be withdrawn and the claims allowed.

35 U.S.C. §103 Rejection, Patterson in view of Zubeldia and further in view of Wiener et al.

The Office Action further has rejected claims 7, 10, 17, 18, 26 and 32 under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of Zubeldia as applied above, and

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further in view of U. S. Patent Application Publication No. 2003/0110376 of Wiener et al., (hereinafter "Wiener").

As discussed above, independent claims 1 and 20, upon which all other pending claims depend, are distinguishable from Patterson and Zubeldia since neither reference, alone or in combination, teaches or suggests determining whether to check a status for said certificate at a check time and in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time. Rather Patterson teaches a single determination, whether the received certificate is already in the user cache, while Zubeldia simply responds to user requests by returning validity information stored in the database. For at least these reasons, the rejection should be withdrawn and the claims allowed.

Wiener is directed to "providing updated digital signature key pairs and updated encryption key pairs in public key systems." (page 1, para. 1) In Wiener "a method and system is disclosed that provides updated digital signature key pairs in a public key system by providing, through a multi-client manager unit, selectable expiry data such as digital signature certificate lifetime data, public key expiry data and private key expiry data as selectable on a per client basis." (page 2, para. 12) Under Wiener, a "multi-client manager unit stores selected public key expiry data and private key expiry data for association with a new digital signature key pair and associates the stored selected expiry data with the new digital signature key pair to facilitate a transition from an old digital signature key pair to a new digital signature key pair." (page 2, para. 12) In response to a client request, the system updates key pairs based on the remaining life of the keys in either number of days or percent of lifespan. (page 2, para. 13)

However, Wiener does not teach or suggest determining whether to check a status for said certificate at a check time and in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time. Rather, Wiener updates key pairs in response to user requests based on the remaining time to expiration of the keys.

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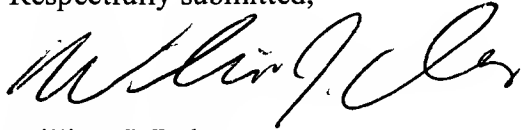Reply to Office Action of July 14, 2005

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Furthermore, the combination of Patterson, Zubeldia, and Wiener is no more relevant to the pending claims as any of the references alone since none of the references, alone or in combination, teaches or suggests determining whether to check a status for said certificate at a check time and in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time. Rather Patterson teaches a single determination, whether the received certificate is already in the user cache, while Zubeldia simply responds to user requests by returning validity information stored in the database and while Wiener updates key pairs in response to user requests based on the remaining time to expiration of the keys. For at least these reasons, the rejection should be withdrawn and the claims allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

William J. Daley
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 303-571-4321

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